

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGEL F. GARCIA,

Defendant.

**4:15CR3093**

**ORDER**

In light of Chief Judge Gerrard's opinion in *United States v. Jenkins*, 4:15CR3079, (Filing 88), I find and conclude that Ms. Garcia has probably exhausted her administrative remedies. Therefore,

IT IS ORDERED that:

1. The motion for compassionate release (Filing 65) shall be restricted but available to the parties and the court (including the Probation Officer).
2. The Federal Public Defender or his designee is appointed to represent the defendant concerning her compassionate release motion.
3. The Federal Public Defender or his designee shall enter his or her appearance at his or her earliest convenience.
4. A United States Probation Officer for the District of Nebraska shall as soon as reasonably possible obtain Ms. Garcia's medical records from the Bureau of Prisons, file those medical records as sealed documents in this case, and provide copies to counsel for the government and counsel for the defendant. The Probation Officer shall also file as a restricted document his or her recommendations and evaluation after reviewing Ms. Garcia's medical records including but not limited to the inmate's proposed release plan, her adjustment while in prison and any other information deemed helpful by the Probation Officer. The recommendations and evaluation of

- the Probation Officer shall be provided to counsel when the Probation Officer submits that document for filing.
5. Fourteen calendar days after the submission of the recommendations and evaluation described in paragraph 2, the government shall submit a responsive brief. Ms. Garcia through her counsel may submit a reply brief within ten calendar days after the government's responsive brief. Unless otherwise ordered, upon receipt of Ms. Garcia's reply brief or upon the expiration of the time for reply the matter shall be deemed submitted. The briefs may be filed as restricted documents.
  6. The Clerk's office shall provide a copy of this order to Supervising United States Probation Officer Aaron Kurtenbach, the Federal Public Defender, and government's counsel.

Dated this 11th day of August, 2020.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge